

**THE ERWIN BOARD OF COMMISSIONERS  
JANUARY 2025 REGULAR MEETING  
THURSDAY, JANUARY 2, 2025 @ 7:00 P.M.  
ERWIN MUNICIPAL BUILDING BOARDROOM**

**AGENDA**

**1. MEETING CALLED TO ORDER**

- A. Invocation
- B. Pledge of Allegiance

**2. AGENDA ADJUSTMENTS /APPROVAL OF AGENDA**

**3. CONSENT**

*All items on Consent Agendas are considered routine, to be enacted on one motion without discussion. If a Board member or citizen requests discussion of an item, the item will be removed from the Consent Agenda and considered under New Business.*

- A. Special Called Meeting on November 14, 2024 **(Page 2)**
- B. Regular Meeting on December 5, 2024 **(Page 5)**

**4. ~~PROCLAMATION RECOGNIZING CAPE FEAR CHRISTIAN ACADEMY TENNIS TEAM~~**

**5. PUBLIC HEARING**

- A. ZT-2024-007 **(Page 9)**
- B. SU-2024-002 **(Page 34)**

**6. PUBLIC COMMENT**

*Each speaker is asked to limit comments to 3 minutes, and the requested total comment period will be 30 minutes or less. Citizens should sign up prior to the start of the meeting. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on the subject matter brought up during the Public Comment segment. Thank you for your consideration of the Town Board, staff, and other speakers. §160A-81.1*

**7. MANAGER'S REPORT**

**8. ATTORNEY'S REPORT**

**9. ADJOURNMENT**

**\*\*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE TOWN CLERK AT (910) 591-4202 AT LEAST 48 HOURS PRIOR TO THE MEETING.\*\***

**ERWIN BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**JANUARY 2, 2025**  
**ERWIN, NORTH CAROLINA**

The Board of Commissioners for the Town of Erwin with Mayor Baker presiding held its Regular Meeting in the Erwin Municipal Building Board Room on Thursday, January 2, 2025, at 7:00 P.M. in Erwin, North Carolina.

Board Members present were Mayor Randy Baker, Mayor Pro Tem Ricky Blackmon, and Commissioners David Nelson, Alvester McKoy, Charles Byrd, and Billy Turnage.

Board Member Absent was Commissioner Timothy Marbell.

Town Manager Snow Bowden, Deputy Town Clerk Katelan Blount, Town Attorney Tim Morris, Town Planner Dylan Eure, and Police Chief Jonathan Johnson were present.

Mayor Baker called the meeting to order at 7:00 PM.

Commissioner McKoy gave the invocation.

Town Attorney Tim Morris led the Pledge of Allegiance.

**AGENDA ADJUSTMENT/APPROVAL OF AGENDA**

Town Manager Snow Bowden requested that Item 4, Proclamation Recognizing Cape Fear Christian Academy Tennis Team, be removed and placed on the agenda at our regularly scheduled meeting in February.

Commissioner McKoy made a motion to approve the agenda as amended and was seconded by Commissioner Blackmon. **The Board voted unanimously.**

**CONSENT**

Commissioner Blackmon made a motion to approve **(ITEM A)** Minutes of Special Called Meeting on November 14, 2024 **(ITEM B)** Minutes of Regular Meeting on December 5, 2024 and was seconded by Commissioner McKoy. **The Board voted unanimously.**

## MINUTES CONTINUED FROM JANUARY 2, 2025

### PUBLIC HEARING

**ZT-2024-007**

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Nelson. **The Board voted unanimously.**

Town Planner Dylan Eure came forward and informed the Board that the Town of Erwin received a rezoning request for the parcel located at 4507 NC 55 Erwin, NC. This parcel was at the corner of NC 55 and Maynard Lake Road and was being petitioned to be zoned to B-2 from the current classification of RD. There was a current business, a daycare, that sat on that site. If the request was approved, the daycare would be subdivided off of the parcel and the rezoning would not affect the daycare in any way. According to NCDOT, this area was set to be the future 421 bypass although we did not know when that would occur. According to our Land Use Plan, this area was potentially zoned in the future for commercial and mixed-use development. The petitioner was present to answer any questions and provide a presentation for the Board.

Commissioner Blackmon verified with Town Planner Dylan Eure that this request met all our Town Regulations and aligned with our Land Use Plan.

Town Planner Dylan Eure stated that was correct. The only item he did not have was the landscaping plan but that would be provided if the rezoning was approved.

Mayor Baker asked if anyone was present to speak in favor of the request.

***A PowerPoint presentation was presented to the Town Board by the applicants and is part of these minutes as an attachment.***

Thomas Neville, counsel for the owner and developers of the property, came forward to speak. He thanked the Board for entertaining them. As the Board was aware, this request came before the Board a couple of years ago and the applicants were back because they felt they could adequately address the concerns related to traffic. The developers and the engineer were present to represent the request and present the changes to the site plan. He showed the Board the various businesses located around the site. There was planning and then there was good planning. Development is coming whether we like it or not so the question is "Can we plan smartly?" Part of planning smartly was looking to the future and the best tool for the Board was the comprehensive land use plan. The Town's Land Use Plan clearly identified that this area would have development and he felt that the request for rezoning to B-2 was completely within those guidelines.

Mayor Baker asked Mr. Neville if the parcel outlined in yellow was where the reflected subdivision would be.

Mr. Neville included in the presentation a copy of the Future Land Use Map from the Town of Erwin Land Use Plan. He stated Town Staff agreed that the rezoning request was compatible with the Land Use Plan. The permitted use within B-2 was the daycare centers and the churches so already, the surrounding uses were within B-2 and that was indicative of smart planning. The old and new site plans will be addressed by Mr. Stewart. The engineer would address the interactions they have had with NCDOT. There have been meetings and discussions with NCDOT and they felt that the new site plan adhered to their requests and addressed traffic impact situations. This request came before the Town Board twice now. Town Staff recommended approval of the new plan and found it was

## MINUTES CONTINUED FROM JANUARY 2, 2025

compatible with the Future Land Use Plan. He was happy to answer any questions the Town Board may have.

Greg Stewart, representative of the owners of the parcel and developer of the project, came forward and addressed the Board. He was present to answer any questions. He showed a comparison of the initial site plan vs. the updated site plan after collaboration with NCDOT. The first change was that the entire entrance was closer to the intersection. The biggest change was that there was no left turn on Hwy 55. NCDOT requires a right turn in or a right turn out only and will place a 4 ft island to prevent drivers from turning left. Engineer Matt Lowder was present to answer any questions the Town Board may have. In the presentation, he provided a map showing the average daily traffic counts for each area surrounding the site. He stated their traffic counts anticipated a 14-vehicle increase per hour at the peak hour of 7:30 AM and a 25-vehicle increase per hour at the peak hour of 5:30 PM as a result of the site development. At the Planning Board Meeting, members expressed their concern about the traffic at Triton High School. Triton High School dismissed their car riders at 2:45 PM and the peak hour was 5:30 PM so there was plenty of time in between. He stated they have done everything in their power to address traffic. Included in the presentation was an email from Travis B Salazar, Assistant District Engineer for NCDOT, stating that "Your proposed site plan matches what was discussed with Earl, so it is good to go. Let me know the driveway permit number once you have submitted for a driveway permit." At that point, NCDOT would not allow the developers to submit a packet for civil approval until the parcel had been rezoned. They will submit a full driveway package to NCDOT and any requirement by NCDOT will not be optional and the developers will have to comply. They have gone as far as they could prior to the zoning hopefully being approved. The permitting process had checks and balances in place and approval must be given by NCDOT, NCDEQ, the Town of Erwin, and Harnett County before the building can begin. He and Mr. Lowder were prepared to answer any questions the Board may have.

Commissioner Blackmon clarified in the traffic count that the peak time in the morning was 7:30 AM to what time?

Mr. Stewart stated that the peak time would be 7:30 AM - 8:30 AM.

Commissioner Blackmon inquired about the total estimated number of vehicles a day.

Mr. Stewart stated that the count would be estimated at 100-125 maximum cars a day.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or to ask a question.

Wendy Miller of 90 Scramble Road was present to speak on behalf of herself, her family, and her neighbor, Dale Ryals, who was unable to attend the meeting. They appreciated all the Town Board did for the Town. She understood they had busy schedules and hard decisions, but they desired to maintain their community as a rural district. The developer calls the buildings around the site businesses. There are daycares, churches, and farms. She has lived on Scramble Road for 52 years and her sons were blessed to grow up in a rural area. Their road had been fairly quiet until about a year and a half ago when more people started walking on the road, there was a homeless area down at the creek, and items were being stolen from their vehicles. Due to being outside of city limits, when there is trouble in their area, they cannot call the Town of Erwin. She and her neighbors have to call the county and wait for a sheriff's deputy to arrive. The safety of the residents and children in the area was a concern. She stated she had no objections to change but she was concerned that they do not have what she considers businesses in that area. With the current zoning, single-family dwellings,

**MINUTES CONTINUED FROM JANUARY 2, 2025**

daycare facilities and other religious uses could be placed on that lot. She asked the Board to consider if the rezoning enhanced the community. In her opinion, the answer was no. There will be safety concerns with whatever retail establishment was being placed there, abutting against the daycare center. These types of establishments may attract the types of people who you rather not have to watch the children playing outside of the daycare center. There was a dead body found at the creek where the homeless camp was located. She wanted to know if the pond on the parcel would be fenced in. She still felt the traffic was a true concern. She expressed her concern for the back of the building facing HWY 55. Was the trash in the back of the building really what we wanted people to see coming into Erwin from HWY 55? Do the benefits of the rezoning outweigh the impact, inconvenience, or harm to the community? In her opinion, the answer was no. She inquired whether Police presence would increase to ensure unsavory people do not gather at this building. If this retail establishment goes out of business and the parcel is rezoned to B-2, there are several things it could be changed to with a special use application including a private recreation facility and for-profit operations. If the Planning Board used a study when determining that the benefits outweighed the potential inconveniences, she would like to see that study. What were their findings that showed enhancement to public safety? She did not see how it would enhance the area. She prayed that the comments she made would give the Board a better understanding of why their community wished to stay a rural district and they respectfully requested that this rezoning be denied for the safety, peace, continued enjoyment, and welfare of the local daycare center, churches, and community.

Paula Roberts of 876 Bill Avery Road in Coats. She stated she and many of the other people present for this meeting were also present in February 2023 when this rezoning was first heard. They did know that it was probably a Dollar General. She lived in Coats but the 17-acre land across the street was owned by her parents. Her father died in 2020, and she and her siblings were present to support her mother. The land had been passed down for over 200 years. She asked the Board to put themselves in someone else's shoes and imagine a Dollar General being built across the street from their homes. She felt the Board members would not be happy about it. She expressed that she was sure the developers were good men, and she had family who were contractors and builders but these developers kept concentrating on the daycares and the church surrounding the property. One of her family members even owned one of the daycare facilities. Daycares and churches are not just businesses, they are for the community. A Dollar General or convenience store was very different from a daycare or church. The developers stated lastly that there was residential surrounding the property as if it did not matter. Her children attend Triton High School. She agreed with the morning traffic from 7:30 AM – 8:30 AM but the evening traffic was wrong. The 5:30 PM traffic may be when people get off work but the 2:35 PM traffic from the school will be busy and there will be 16 and 17-year-olds driving. She stated they all knew it was a Dollar General; it was told in February 2023 by the developer's map.

Mayor Baker stated that this was not a conditional rezoning and that we would not go and name names. The Board could not hear that or consider that as a testimony.

Ms. Roberts continued that they were asking as owners of property for over 200 years, for the Town Board to say no to this rezoning request. She and her family members will come as many times as it takes. She asked the Board to put the residents first.

Kenneth Coley of 26 Ivor Lane came forward and addressed the Board. He stated that it appeared to him that the project before the meeting was the same other than the entrance difference. He felt that this project would have a huge negative impact on our community as they had no current business.

**MINUTES CONTINUED FROM JANUARY 2, 2025**

He built his home in 1986 and chose to raise his children in that area. This project would not enhance our community, and he felt it would have a negative impact on the established businesses in Erwin that pay city taxes and are struggling to survive. This was the second hearing he had sat through for this proposal and at either meeting, no one has spoken in favor of the request other than the applicants. He asked the Board to permit him to read a statement from Ms. Dale Ryals. Ms. Ryals was unable to attend the meeting due to having been hospitalized and just recently been released. "This change request will affect the adjoining landowners, our surrounding community, along with anyone who travels Hwy 55 and Maynard Lake Road which goes by Triton High School. The requested rezoning will undermine the integrity of our surrounding neighborhood. The existing businesses, two daycares and a church, are service-related industries, not retail. The two daycares have low traffic volume 5 days a week during daylight hours. The church has low traffic volumes with Sunday the main day of the week, Wednesday night services, and other occasional events. The church traffic is during low-traffic periods of the week. The business asking to join our neighborhood is retail and has no indication of what type of retail was going to join our community. Retail establishments are usually open longer hours of the day and more days of the week, and this retail could even possibly be open 24 hours a day, seven days a week, and all 52 weeks of the year. Retail will have 18-wheelers making deliveries and where will deliveries be offloaded? In the parking lot? Or will the 18-wheelers park on Maynard Lake Road or Hwy 55 to offload? The intersection was already highly used by Triton High School and Coats Erwin Middle School traffic. Hwy 55 was already heavily traveled by vehicles that were just passing through. There was already more traffic coming in from the subdivision, going in a mile away at Turlington Crossroads and tripping into the traffic on Maynard Lake Road. There will be a 64-unit apartment complex at the intersection of 421 and Maynard Lake Road, across from the Triton Mart. Along with the cut-through coming from the Bryant Road and St Matthews Road subdivision of 250+ units, the retail would definitely have more traffic than any of the other businesses that were there now. Retail will require much more illumination of the parking lot and the three existing businesses which will cause more light pollution in our area. It was a known fact that lighting caused a negative impact on local wildlife and other species that migrate. Any business that encourages a particular customer base, so what type of customer base was this retail encouraging to come to our community? When one retail business comes in, there is sure to be more to follow, using existing houses or building new structures. She would prefer for her neighborhood to remain residential with single-family homes along the highway which enhances the entrance to the Town of Erwin." Mr. Coley stated he employed the Board to leave their community the way it was.

Derek Avery of 4799 NC 55 E came forward and stated his family was one of the families whose land had been passed down for generations. Who was this project benefitting? It was his opinion that it was not benefiting the Town. The traffic was pointed towards Coats. It was stated that a bypass was going to go through that area in the future. The retail facility will be torn down if the bypass comes. Why spend all that money for it to be torn down? He just did not understand it.

Brian Avery of 970 Old Fairground Road in Willow Spring came forward. His mother owned the property across the street. He spent 23 years in the military and he had been on the streets and markets. When you build a retail business across the street from this family's farm, that retail establishment brings a certain type of people to the store. If you have never seen blue lights in front of a Dollar General then you live under a rock. When he walked into a store like Dollar General, he felt like he needed to clear the store aisle by aisle because he did not feel safe in there with his family. That land across the street raised him, his siblings, and his cousins for over 200 years. His family has been very generous to the community. His grandfather traced all the way back to

**MINUTES CONTINUED FROM JANUARY 2, 2025**

Averasboro, from the municipal buildings in Angier to the land Erwin's Town Hall sat on. His Grandfather gave away the land to help the Towns, Cities, and their community. He asked the Board to not let this rezoning be approved.

Jerry Bayles of 236 Olde Ferry Lane of Dunn came forward. He stated he has been in Erwin for 81 years. He did not live near this request but his wife's side of the family does. He stated most people do not have the excitement to get up and speak for something but he was going to stand up for it because the Town Board sitting up there and plays God with everyone in the Erwin area, their lives, their revenue, and their livelihood. He listened to people stand up tonight and say they did not want lights in their yards and did not want to look at the back of a store but there were people down the road who were putting up with the lights, the trucks, and the congestions so that they can stop by and get a quart of milk or a loaf of bread on the way home. In the past, he had spoken with people in the Turlington Crossroads area who were for this request but they did not have the nerve or the backbone to come up to the meeting and express their opinion due to fear of offending someone. He stated he was 81 years old and he did not care who he offended. He lived on Dunn Erwin Road for 50 years and there was a bump in his front yard so every time a truck went why it would wake him up. People asked him why he did not do something about it and he thought about that. He stated for 81 years he has driven around Dunn and Erwin. When he went to the hospital, he didn't think about the congestion it caused, he thought about the service that the hospital was rendering to people. He went across the street to the High School and the post office and he was building that had been in Erwin for over 100 years. He looked at the back of a drug store, grocery store, and hardware store. They did not care about having to look at the back of the stores and the cardboard boxes because they knew they could ride around the corner and get a loaf of bread and a quart of milk, prescriptions filled, or a pair of shoelaces for their kids. People in the room stated they did not want to look at the back of a building on Hwy 55, wouldn't you rather see a productive business rather than an empty car lot, a junkyard, or a dilapidated mobile home? The growth of Erwin was people coming to Erwin and if all they see are negative pessimistic people then we would have a big problem. A big subdivision was recently built at Turlington Crossroads. Over 100 people live there and those people would have to drive 4 miles to IGA in Erwin or 4 miles to Coats. When he was growing up, Mr. Turlington had a store at Turlington Crossroads, Mr. Stewart had a grocery store, and a grocery store was about halfway to where this site was located. No one ever complained about the trucks because they could get the services they needed. He stated that the Town Board needed to open their minds and open their eyes to our growth and it was not going to come from Wondertown or across the river. The growth was coming from Coats where this building needed to be because those people at Turlington Crossroads deserved every right to be able to pull in and get a loaf of bread or a quart of milk as the people on this side of Town. He lived on Dunn Erwin Road and listened to the bump of the trucks over and over and when people asked him why he didn't do anything about it, his answer was if the grease got too hot then get out of the pan. He moved away and if these people did not like where they lived, then they could move but they should not expect the young people to be deprived of a Dollar General or whatever this retail store is called. The store wasn't going to put any money in his pocket but he much rather see a small business than an empty car lot. He stated he was friends with most of the people in the audience but he was speaking for this request. He was speaking for the people in Turlington Crossroads who did not come to speak. He was speaking for the growth of our community.

Sharon Hayes of 915 Maynard Lake Road came forward. She stated she lived across the street from the property. The person who was just speaking did not live in their area and she did not see how he had a right to speak. She did know that the traffic on Maynard Lake Road was not as bad as people

MINUTES CONTINUED FROM JANUARY 2, 2025

want to think it was, just the school hours. She did not want this across the street where she had to look out her front door and see all types of things go on. That would not be a neighborhood or a place to raise a child. We did not need any development on that property at all. A house, church, or daycare would be fine.

Mayor Baker asked if anyone else was present to speak in favor of the request, in opposition to the request, or to ask a question.

No one came forward.

Mayor Baker asked if the Board had any further questions before closing the Public Hearing.

Commissioner Blackmon asked if the retention pond would be fenced in.

Mayor Baker asked the applicants to come forward and address their concerns.

Matt Lowder of Bowman Consulting, the engineer for the project, came forward. He stated yes, there would be a stormwater pond on the site. He was unsure of what type but in some period of time it will hold water and they did intend to put a fence around it. If they did not do stormwater, they would have excess water that would run downstream and affect the neighbors so the balance was that they do stormwater so that it would not impact downstream. They will also be looking at water quality. Those were state requirements that they must meet. There was an issue regarding trucks coming onto the site, that was something that will need to be accommodated. There will be delivery trucks but garbage trucks and emergency services such as firetrucks as well. The site will have to be able to accommodate those large trucks and that was a conversation they will have with NCDOT on how to minimize the impact as much as possible. There will be landscaping on the project and a dumpster with a screened enclosure to minimize the impact on the neighbors as much as possible.

Mayor Baker asked if there would be any screening, buffering, or safety measures taking place when subdividing the property to take away the retail establishment from the daycare and address the safety concerns.

Mr. Lowder stated obviously the pond was the most critical and would be screened in. There would be landscaping. He could not say off the top of his head all the measures that would be included. They will definitely look at additional landscaping, small fences, and things like that.

Commissioner Nelson asked if the plan for delivery trucks to unload on Maynard Lake Road or on the property.

Mr. Lowder stated the trucks would not be allowed to park on Maynard Lake Road or Hwy 55. The site was designed for the trucks to be able to swing into the parking lot and back up to the back side of the building to unload.

Commissioner Turnage stated this was a hard decision for the Board to make. He heard the pros and cons from both sides. He felt that people should have a right to say what goes on in their neighborhood. If people want to keep their neighborhood as it is, he shouldn't have a vote to change that.

Commissioner Blackmon made a motion to close the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**



MINUTES CONTINUED FROM JANUARY 2, 2025

Commissioner Blackmon stated that he felt that both sides had valid points. When preparing our Land Use Plan, this was one of the areas the Town Board looked at for mixed-use of commercial and residential.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. Reasoning that according to the 2023 Land Use Plan, this area allowed for small-scale commercial development and would enhance the general welfare of the community.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) Reasoning that he was basing the entire parcel on B-2 along with the permitted uses, all of which would not prove to be detrimental to the surrounding community in the future.

Mayor Baker asked to have the permitted uses in B-2 placed on the monitor for public review.

*Commissioner Byrd asked to be excused at 8:12 PM.*

The Town Board reviewed and discussed the permitted uses in the B-2 District.

*Commissioner Byrd returned at 8:14 PM.*

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. Reasoning that according to the 2023 Land Use Plan, this area is designated for commercial development which is the primary purpose of B-2 zoning.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Blackmon, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles. The Erwin 2023 Land Use Plan has this parcel of land to be zoned under commercial development classifications and by the rezoning would solve the issue of being split-zoned.

Commissioner Byrd made a motion seconded by Commissioner Blackmon, and **approved by the Board 4-1 (Turnage)** that the requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses

**MINUTES CONTINUED FROM JANUARY 2, 2025**

defined within the B-2 zoning classification would best serve the above-stated parcel. It is recommended that this rezoning request be **Approved**.

Commissioner Blackmon made a motion to adopt Ordinance for Map Amendment Case # ZT-2024-007 Amendment To The Official Zoning Map To Rezone From RD to B-2 Per Zoning Ordinance Article XXIII For Harnett County Pin 0598-92-2261.000 Ord 2024-2025: 019 and was seconded by Commissioner Nelson. **The Board voted unanimously.**

**SU-2024-002**

Commissioner Blackmon made a motion to open the Public Hearing and was seconded by Commissioner Byrd. **The Board voted unanimously.**

Town Planner Dylan Eure stated we received a special land use application for Harnett County Tax PIN #0597-66-3942. This request was petitioned by Ms. Whitney Stokes in order to construct a duplex two-family home at the said location. The parcel was approximately 9,100 square feet with approximately 100 feet of road frontage. This was a special use item within the zoning district, RD, but there were additional requirements for multifamily or duplex living quarters. Those requirements were to have a minimum of 8,000 square feet and a width of 75 feet, which this parcel did meet. There was water at the property, however the sewer stops just before the property. Harnett Regional Water had confirmed that a private line can with a force pump could be installed off of N 14<sup>th</sup> Street to be accessible to the property. The only other information he had was that two lots to the left of the parcel on the other side of N 14<sup>th</sup> Street there was a similar property with a duplex. There was a site plan included in the agenda that did meet all of our requirements as far as buffering from other developments since it was a two-family home and not a single-family dwelling. It was good to go and met our requirements.

Mayor Baker clarified that there were similar structures within that area being proposed.

Mayor Baker asked that the applicant come forward and present their application.

Whitney Stokes of 610 N 13<sup>th</sup> Street came forward and was sworn in by Deputy Town Clerk Katelan Blount.

Mayor Baker stated that Staff had presented the application and asked if there was anything Ms. Stokes would like to add.

Ms. Stokes stated this was the beginning of a journey she was very excited about. She had always wanted to go into real estate. Much like the family earlier in the meeting, her mother got that land from her father along with the other two parcels there. If she could construct this property and show the rest of her family that this was prosperous and completely possible, then it was very possible she would be able to develop the other two parcels which would clear out that whole side of W N Street across from the garage. It would bring in new tenants because she wanted to do more duplexes. Depending on how it goes and how fast Erwin grows, because she was sure with that traffic was changing and she knew everyone noticed it took an extra 10 minutes to get where they were going now, so more people were coming. That would bring in tax money, bring in more people for business, and we are growing. She wanted to be a part of the growth.

Mayor Baker asked if the applicant felt that the application submitted would impair or have any bearing on the integrity or character of that surrounding area.

# Erwin Board of Commissioners

## REQUEST FOR CONSIDERATION

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To: The Honorable Mayor and Board of Commissioners

From: Dylan Eure, Town Planner

Date: January 2, 2025

Subject: ZT-2024-007

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### **Rezoning description**

The Town of Erwin has received a request to rezone a parcel located by its physical address of 4507 NC 55 Erwin, NC 28339. Currently, this parcel is zoned as RD. Said petition would rezone the above parcel to be entirely under the B-2 zoning classification. The parcel size is 3.47 acres and currently is occupied by a daycare. If the property is rezoned it would have no effect on the currently operating daycare as daycares are a permitted use within the B-2 zoning classification. From discussions with the developer, they have stated that 2.47 acres are to be subdivided from the property for the construction of a retail store if the rezoning is approved.

### **Site Description & Surrounding Uses**

A single parcel located at the intersection of NC55 and Maynard Lake Rd of which both are maintained by the North Carolina Department of Transportation. According to NCDOT, this area is also set to be the future 421 bypass. The parcel is currently occupied by a daycare facility and if the rezoning would be approved there would be no effect to the current operation. According to Harnett GIS the property is approximately 3,200 ft or .62 of a mile to the north of Erwin's corporate limits. There are Harnett County water lines located on both NC 55 (12 inch main) and Maynard Lake (6-inch main) with gravity-fed sewer lines coming off NC 55. GIS has no recorded easements on the property nor are watersheds, wetlands, or flood zones.

The surrounding land uses are RD and are comprised of a mobile home park and agricultural uses to the west, a church to the northeast, a learning center/preschool to the east, and single-family residential to the north and south.

### **Compatibility**

The requested rezoning from RD to B-2 classification is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the B-2 zoning classification would best serve the above-stated parcel.



# Application for an Amendment To The Official Zoning Map of Erwin, NC

Staff Only: Zoning Case # Z-20 -  
Fee: Check # MO Cash  
PB Recommendation: A D A/W Conditions  
BOC Date: Decision: A D T A/W Conditions

Print Applicant Name: Rhetson Companies, Inc.  
Name of Legal Property Owner Dayna and Steve Murphy  
Location of Property 4507 NC HWY 55 East

Please Circle One of the Following: Less than one Acre One to 4.99 Acres Five or more Acres

Zoning change requested from RD to B2

If Conditional District, note conditions:

Harnett County Tax Map PIN 0598-92-2261

Property owner(s) of area requested and address(es)

\* see attached list of property owners \*

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

[Signature]  
Signature of Applicant

(910) 944-0881  
Contact Number

2075 Juniper Lake Road, West End, NC, 27376  
Mailing Address of Applicant

Chris Morgan  
Executive Vice President of Construction  
Rhetson Companies, Inc.

Parcel ID	PIN	Owners	Owner1	Owner2	Physical Address	Mailing Address
7486566	0598-91-2998.000	KIMBER GROUP LLC	KIMBER GROUP LLC		MAYNARD LAKE RD NC	P O BOX 181 ERWIN, NC 28339-0181
7524796	0598-92-6090.000	SANDERS ASHLEY N	SANDERS ASHLEY N		19 SCRAMBLE RD ERWIN, NC 28339	19 SCRAMBLE RD ERWIN, NC 28339
7427156	0598-92-2261.000	MURPHY DAYNA BAYLES & MURPHY MURPHY DAYNA BAYLES	MURPHY MURPHY DAYNA BAYLES	MURPHY STEVE WILFORD	4507 NC 55 E ERWIN, NC 28339	175 DRUM INLT MOREHEAD CITY, NC 28557-9644
7440698	0598-91-9800.000	KIMBER GROUP LLC	KIMBER GROUP LLC		880 MAYNARD LAKE RD ERWIN, NC 28339	P O BOX 181 ERWIN, NC 28339-0181
7529754	0598-92-7864.000	AVERY JOHN W & AVERY PHYLLIS A	AVERY JOHN W	AVERY PHYLLIS A	4506 NC 55 E ERWIN, NC 28339	607 E RED HILL CHURCH RD COATS, NC 27521-0000
7469811	0598-92-6101.000	HAYES SHARON POPE	HAYES SHARON POPE		915 MAYNARD LAKE RD ERWIN, NC 28339	1845 ABATTOIR RD COATS, NC 27524-9380
7498953	0598-92-7879.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		985 MAYNARD LAKE RD ERWIN, NC 28339	PO BOX 306 ANGLIER, NC 27501-0906
7433620	1508-02-0557.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		MAYNARD LAKE RD NC	PO BOX 306 ANGLIER, NC 27501-0906
7438522	0598-92-1741.000	NC PROPERTY INVESTORS LLC	NC PROPERTY INVESTORS LLC		4448 NC 55 E ERWIN, NC 28339	PO BOX 190 CLAYTON, NC 27528-0190
7427808	0598-92-5494.000	HAWLEY WILLIAM D	HAWLEY WILLIAM D		957 MAYNARD LAKE RD ERWIN, NC 28339	PO BOX 306 ANGLIER, NC 27501-0906
7427812	0598-92-4890.000	MIDWAY PENTECOSTAL HOLINESS	MIDWAY PENTECOSTAL HOLINESS		4371 NC 55 E DUNN, NC 28334	PO BOX 667 ERWIN, NC 28339-0000

Mr. Snow Bowden  
Town Manager  
Town of Erwin  
100 West F Street  
Erwin, NC 28339  
910-897-5140

Mr. Bowden,

Rhetson Companies, Inc. is filing this application for a rezoning from RD to B2. The subject property consists of 2.47+/- acres (portion) of Parcel 0598-92-2261.000, which is a total of 3.47+/- acres. The site is located within the Town of Erwin's ETJ and fronts on NC 55 E at the intersection of NC 55 E and Maynard Lake Road. Rhetson Companies is seeking to locate a proposed 10,640 SF retail store on the subject property.

The proposed use also promotes the following:

**Economic Development:**

- Promote the business growth within the Town
- Develop a diversified economic base in the Town

**Land Use:**

- Ensure the optimal use of land resources within the Town of Erwin and promote and support an environmentally sound future land use pattern that provides for a variety of community needs and minimized conflicts between existing and proposed land uses.
- Provide a retail service to the community to limit travel times

The proposed development will support the community of Erwin while having minimal impacts to noise, odor dust, and fumes to adjacent properties based on its intended use. The proposed development will meet the requirements set forth in the Town of Erwin's Unified Development Ordinance.

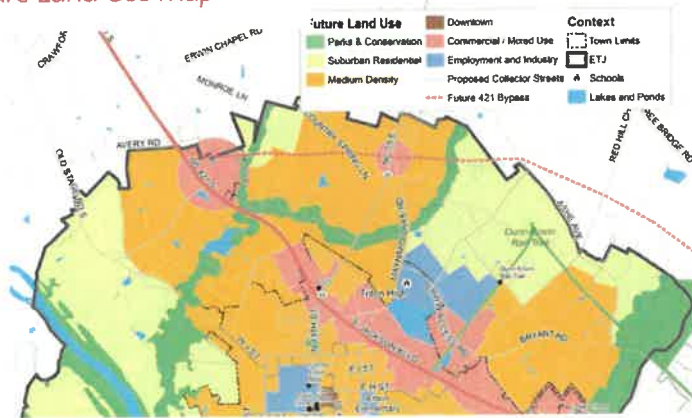
The proposed development will meet all applicable standards for Erosion and Sediment Control and Stormwater Management, and will feature Erosion and Sediment Control measure, and a permanent stormwater management pond meeting the standards of NCDEQ. The proposed entrance has been preliminarily reviewed by the North Carolina Department of Transportation. Discussions and feedback from North Carolina Department of Transportation have been incorporated in site and entrance design. The preliminary site design proposes a full entrance on the less traveled road (Maynard Lake Road) and a right out with 4-foot island on the more heavily traveled Hwy 55 to promote traffic adherence and safety. The applicant will work during the design phase with North Carolina Department of Transportation to ensure all aspects of the North Carolina Department of Transportation design manual are achieved. The proposed entrances will be officially reviewed and permitted by the North Carolina Department of Transportation.

The proposed use is compatible with the recently updated future land use plan (see below) for the Town of Erwin identifying the future land use of this parcel to be commercial/mixed use. The use will provide services to the existing residential homes, churches and education facilities in the area.

Sincerely,

Rhetson Companies, Inc (Applicant) on behalf of Steve and Dayna Murphy

### Future Land Use Map









**REZONING MAP REQUEST  
STAFF REPORT**

Case: ZT-2024-007

Dylan Eure, Town Planner  
deure@erwin-nc.org

Phone: (910) 591-4201 Fax: (910) 897-5543

Planning Board: 11/18/2024

Town Commissioners: 01/02/2025

The Town of Erwin has received a request to rezone a parcel located by its physical address of 4507 NC 55 Erwin, NC 28339. Currently this parcel is zoned as RD. Said petition would rezone the above parcel to be entirely under B-2 zoning classification. The parcel size is 3.47 acres and currently is occupied by a daycare. If said rezoning is approved the parcel would be subdivided in order to construct a retail establishment and would have no impact on the daycare in operation.

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**Applicant Information**

**Owner of Record:**

Name: Dayna & Steve Murphy

Address: 175 Drum Inlet.

City/State/Zip: Morehead City, NC 28557

**Applicant:**

Name: Rhetson Companies, Inc.

Address: 2075 Juniper Lake Road

City/State/Zip: West End, NC 27376

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**Property Description**

- Harnett County Tax Pin #0598-92-2261
- 3.47 acres

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**Vicinity Map**

- See Attached Harnett County GIS Image with zoning districts
- See Attached Harnett County GIS Image without zoning districts

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**Physical Characteristics**

Site Description:

A single parcel located at the intersection of NC55 and Maynard Lake Rd of which both are maintained by North Carolina Department of Transportation. According to NCDOT this area is also set to be the future 421 bypass. The parcel is currently occupied by a daycare facility and if the rezoning would be approved there would be no effect to the current operation. According to Harnett GIS the property is approximately 3,200 ft or .62 of a mile to the north of Erwin's corporate limits. There are Harnett County water lines located on both NC 55 (12 inch main) and Maynard Lake (6 inch main) with a gravity fed sewer lines coming off NC 55. GIS has no recorded easements on the property nor are watersheds, wetlands, or flood zones.

**Surrounding Land Uses:**

The surrounding land uses are RD and are comprised of a mobile home park and agricultural uses to the west, a church to the northeast, a learning center/preschool to the east, and single family residential to the north and south.

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**Services Available**

- Harnett County Water & Sewer
- Erwin Fire
- Harnett County EMS
- Harnett County Sheriff
- Duke Energy for electric
- Brightspeed for telecommunications

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**Staff Evaluation**

The applicant has requested to have a single parcel rezoned from RD (Rural District) to B-2 (Highway Business)

**Staff Evaluation**

Yes  No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community

Yes  No The requested zoning district is COMPATIBLE with the existing Land Use Classification.

Yes  No The proposal does ENHANCE or maintain the public health, safety, and general welfare.

Yes  No The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness.

<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.</p>	
<p>There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)</p>	
<p>There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.</p>	
<p>The proposed change is in accord with the Land Development Plan and sound planning principles.</p>	



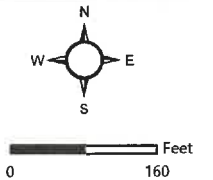
**Attachments:**

- ZT-2024-007 Application
- Harnett County GIS Image with zoning districts
- Harnett County GIS Image without zoning districts
- Adjacent property owner sheet
- Public notice letter sent to adjacent property owners



Harnett.org/GIS  
October 31, 2024

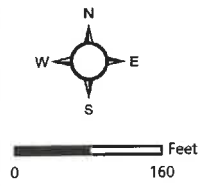
County Boundary	Gravity	Parcels
Address Numbers	Road Centerlines	
2 - 5	NC	
6 - 36	Ingress_Egress	





Harnett.org/GIS  
October 31, 2024

County Boundary	Gravity	Parcels
Address Numbers	Road Centerlines	RD
2 - 5	NC	
6 - 36	Ingress_Egress	







# Town of Erwin Land Use Plan

## Future Land Use Character Areas

The Future Land Use Map (*FLUM*) and character areas guide land use and infrastructure decisions, as well as land use regulations within Erwin's planning jurisdiction. The FLUM categorizes land into six color-coded character areas. These designations describe the desired types, intensity, and spatial arrangement of land uses in Erwin's planning jurisdiction.

### Employment and Industry

The Employment Center designation provides primary locations for employment and economic development opportunities where there is adequate infrastructure. Employment Centers are typically located on larger parcels to accommodate future employment growth. This designation includes some industrial uses and supporting commercial uses to serve employees.



### Commercial/Mixed Use

The Commercial/Mixed Use designation features small-large scale commercial, and office uses oriented primarily along Highway 421 and at major intersections. Small-medium scale commercial and offices uses should be located at major intersections. Medium-large scale commercial and office uses should be located along Highway 421. A mix of uses should be encouraged to serve both a local and regional market. Although this designation is more auto oriented, efforts should be made to provide both pedestrian and vehicle connectivity. This character area may also include a mix of residential types where appropriate.



**MURPHY DAYNA BAYLES & MURPHY  
STEVE WILFORD**

175 DRUM INLT MOREHEAD CITY, NC 28557-9644

**RDI NC MHP LLC TIC & LCR NC MHP LLC  
TIC**

1801 WEST END AVE STE 1050 NASHVILLE, TN  
37203-2526

**AVERY JOHN W & AVERY PHYLLIS A**  
6076 RED HILL CHURCH RD COATS, NC 27521-0000

**KIMBER GROUP LLC**  
PO BOX 181 ERWIN, NC 28339-0181

**MIDWAY PENTECOSTAL HOLINESS**  
PO BOX 667 ERWIN, NC 28339-0000

**HAWLEY WILLIAM D**  
PO BOX 306 ANGIER, NC 27501-0306

**HAYES SHARON POPE**  
1845 ABATTOIR RD COATS, NC 27521-9380

**SANDERS ASHLEY N**  
19 SCRAMBLE RD ERWIN, NC 28339

**LANE JOHN PRESTON**  
306 W J ST ERWIN, NC 28339-1428





# TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339  
Phone: 910-897-5140 · Fax: 910-897-5543  
[www.erwin-nc.org](http://www.erwin-nc.org)

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

12/13/2024

## Notice of a Public Hearing ZT-2024-007

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on January 2<sup>nd</sup>, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment on a proposed rezoning request.

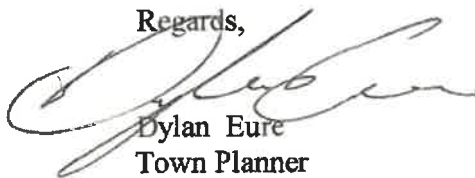
There has been a zoning map amendment application submitted to the Town of Erwin. The rezoning request includes a single parcel of land that are listed below:

- 4507 NC 55 Erwin, NC 28339

Currently this parcel is currently zoned as RD (Rural District). Said petition would rezone the above parcel to be entirely under B-2 (Highway Business) zoning classification.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org)

Regards,



Dylan Eure  
Town Planner

### NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, January 2, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

- Case ZT-2024-007: Request to have the parcel located at 4507 NC 55 East rezoned from RD to B-2. The property can also be identified by its Harnett County Tax PIN # 0598-92-2261.000.
- Case SU-2024-002: Special Use Permit Application to build a two-family dwelling on a vacant parcel located along West N Street. The property can also be identified by its Harnett County Tax PIN # 0597-66-3942.000.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.  
12/13,20/2024

PLANNING BOARD  
MEETING MINUTES  
MONDAY, NOVEMBER 18th, 2024  
ERWIN, NORTH CAROLINA

The Town of Erwin Planning Board held its regular meeting in the Erwin Municipal Building Board Room 100 West F Street, Erwin NC on Monday, November 18th, 2024, at 7:00 PM.

Board members present were Vice Chairperson Ronald Beasley, In-Town Board Members Grace Watts, Rebecca Kelly, and Jim Hartman, and Out-of-Town Board Members Howard Godwin and Nicholas Skatell.

Board members absent were: Chairperson Joshua Schmieding , In-Town Board Member Kathryn Moore, and In-Town Alternate Vanessa Lech.

Town Staff present were: Town Manager Snow Bowden, Town Planner Dylan Eure, Town Clerk Lauren Evans, and Deputy Clerk Katelan Blount.

Vice Chairperson Ronald Beasley called the meeting to order at 7:00 PM.

Board Member Nicholas Skatell gave the invocation.

Board Member Howard Godwin led the Pledge of Allegiance.

#### CONSENT ITEMS

Board Member Howard Godwin made a motion to amend the minutes of October 21, 2024, to correct the minutes for a Board Member who was present but was listed as absent. This was seconded by Nicholas Skatell. **The Board voted unanimously.**

#### OLD BUSINESS

##### **Updates:**

Town Planner Dylan Eure informed the Board that the Conditional District to allow for Apartment complexes along US Hwy 421 was denied by the Board of Commissioners in a 5-1 vote.

The proposed 421 Overlay District was heard by the Board of Commissioners and was tabled to amend some verbiage.

There was a Special Called Meeting of the Board of Commissioners to address the Old Stage Subdivision at Old Stage and Avery Roads, which was approved.

The Encroachment agreement for Mr. Wesley Johnson at CCIP was approved.

#### NEW BUSINESS

##### **ZT-2024-007**

Town Planner Dylan Eure presented the rezoning request for Harnett County Tax PIN 0598-92-2261.00, known by its physical address of 4507 NC55, Erwin NC 28339. The parcel is currently zoned as RD and the request is to rezone to B-2. This parcel is 3.47 acres and is currently occupied by a daycare.

Attorney Thomas Neville, representing the applicant & owners, spoke for the rezoning request. Also present were Matt Lowder, engineer, and Greg Stewart, representative of the developer.

Mr. Neville gave an overview of the application. This was the same request that was presented about a year and a half ago, and was unanimously recommended by the Planning Board. The Board of Commissioners denied the request, and the matter is now at Harnett County Superior Court.

Mr. Neville stated that this request has had some changes, namely the traffic patterns.

The presentation showed the updated plans with a right turn only on NC 55, with both left and right turns on Maynard Lake Road. This has been calibrated with NCDOT to ensure the best traffic patterns.

This will be a retail facility of 10,000 sqft, with 8,000 sqft being the store portion.

Based on the traffic study, the morning peak traffic would be about 14 cars per hour, and the afternoon & evening average would be 25 vehicles per hour.

Board Member Rebecca Kelly asked where the front of the building would face.

Mr. Greg Stewart stated that the front of the building would face Maynard Lake Road since the site plans changed to accommodate the entrance/exit on that road.

Board Member Jim Hartman asked if the projected bypass would be an issue in the future use of this space.

Mr. Greg Stewart stated that no, that is not an anticipated concern.

Board Member Grace Watts asked if the back of the building would be facing NC 55.

Mr. Greg Stewart stated that yes, the rear of the building would face NC 55.

Board Member Jim Hartman asked if the new plan would have more parking than the original plan.

Mr. Greg Stewart confirmed that yes, there is more parking on that new plan.

Board Member Grace Watts asked why the name of the store is a secret.

Town Planner Dylan Eure stated that it isn't a secret, but that the request is a rezoning, and should be based on that request, rather than the specific retail.

Vice Chairperson Ronald Beasley asked if there was anyone present to speak in favor of the request.

No one came forward.

Vice Chairperson Ronald Beasley asked if there was anyone present to speak against the request.

Mr. Kenneth Coley, on 26 Ivor Lane, Erwin NC 28339, spoke against the request. He stated that he lives right off NC 55, and has concerns about property values for the surrounding properties. He also has concerns about the dumpsters and the trash facing NC 55. He stated that if the business isn't successful, he doesn't want a vacant eyesore building. This will also bring additional pedestrians.

Mr. Daniel Lang of 4667 NC Hwy 55 E, Erwin NC 28339, spoke against the request. He stated that he is currently building a home outside of town, before you get to this development. He stated that he chose the location due to wanting no streetlights, no sidewalks, and no foot traffic.

Ms. Sharon Hayes of 915 Maynard Lake Road, Erwin NC 28339, spoke against the request. She stated that she owns the property directly behind the building. She stated that she has concerns about trash blowing from the dumpsters, additional foot traffic, and impeding traffic from Triton High School, which is already

an issue. She stated that she lives directly across from this property and doesn't want this right across her street.

The Board had further discussion.

Board Member Nicholas Skatell asked when the last traffic analysis took place.

Mr. Greg Stewart stated that he doesn't have a date offhand, but that all NCDOT regulations are being followed to ensure compliance.

There was some discussion about traffic counts.

Crystal Streibich of 915 Maynard Lake Road, Erwin NC 28339, stated that Triton High School has changed its carpool process and traffic has changed to Mayard Lake Road. She also had concerns about people hanging out outside the retail space, and leaving trash, similar to what happens at Triton Quick Mart at the other end of Maynard Lake Road.

There was additional discussion regarding trash control and dumpster locations. It was stated that trash control is a code enforcement issue rather than a developer issue once the store is built.

Board Member Howard Godwin made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board, that the impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.

- Reasoning: The rezoning is compatible with the surrounding community and would not cause any inconvenience to those within the area.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board, that the requested zoning district is compatible with the existing Land Use Classification.

- Reasoning: According to Erwin's current Land Use Plan done in 2023 the property is compatible with the rezoning request.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, and unanimously approved by the Board that the proposal does enhance or maintain the public health, safety, and general welfare.

- Reasoning: The rezoning would allow commercial development in line with the 2023 Land Use Plan.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, and was approved by the Board 4-1 (Grace Watts) that the request is for a small-scale rezoning and should be evaluated for reasonableness.

- Reasoning: This rezoning request is designated to be commercial use in the 2023 Land Use Plan.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Jim Hartman, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

- Reasoning: The proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Board Member Jim Hartman made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that there is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

- Reasoning: This parcel is designated under the Erwin 2023 Land Use Plan for commercial development.

Board Member Nicholas Skatell made a motion in the affirmative, seconded by Howard Godwin, and unanimously approved by the Board that there is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

- Reasoning: the rezoning would not alter the character of the neighborhood in any way. The rezoning would not take away rights that they currently have to their land.

Board Member Howard Godwin made a motion in the affirmative, seconded by Nicholas Skatell, and unanimously approved by the Board that the proposed change is in accord with the Land Development Plan and sound planning principles.

- Reasoning: This parcel is designed to be commercial in the 2023 Erwin Land Use Plan for the purposes of residential and commercial.

Board Member Nicholas Skatell made a motion that the requested rezoning from RD to B-2 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the mixed-use classification would best serve the above stated parcel. It is recommended that this rezoning request be Approved and was seconded by Jim Hartman. **The Board voted 4-1 (Grace Watts).**

Town Manager Snow Bowden informed those present at the meeting that this will now go to the Board of Commissioners, and is scheduled for January 2<sup>nd</sup>, 2025 at 7pm. Town Planner Dylan Eure will be mailing out letters to property owners within 100 feet of the property to inform them of the upcoming meeting.

### **Fence Regulation Amendment**

Town Planner Dylan Eure presented the proposed updates for the Fence Regulation Amendment. He requested feedback from the Planning Board regarding Type A lots when they abut more than one public street. This would limit the maximum heights on the fences installed on these properties.

There was a motion by Board Member Jim Hartman to table this amendment until the next meeting, to reword the request to specify corner lots only. The motion was seconded by Nicholas Skatell, and the Board voted unanimously.

### **Subdivision Public Notice**

Town Planner Dylan Eure presented the proposed amendment, specifically Chapter 30 within Article III, Section 30-78, entitled "Preliminary Plat submission and review" and section 30-79 entitled "Final plat submission and review" to require public notice of neighboring property owners when a major subdivision has been submitted to the Town for review and approval.

Board Member Nicholas Skatell made a motion to approve this amendment, which was seconded by Howard Godwin. **The Board voted unanimously.**

Vice Chairperson Ronald Beasley made a statement about looking at what is best for the community, abide by regulations, and being careful about keeping our Land Use Plan in mind. The Board of Commissioners will be making the ultimate decision.

**ADJOURNMENT**

Board Member Nicholas Skatell made a motion to adjourn the meeting at 8:26 PM and was seconded by Howard Godwin. **The motion to adjourn was unanimously approved.**

**Minutes recorded and typed by  
Katelan Blount, Deputy Clerk**

---

**Ronald Beasley  
Vice Chairperson**

---

**Katelan Blount  
Deputy Clerk**

DRAFT

**Statement of Consistency**

**ZT-2024-007**

The requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances the uses defined within the B-2 zoning classification would best serve the above stated parcel.

It is recommended that this rezoning be **Approved**.



Ronald Beasley  
Vice Chairperson



Kateian Blount  
Deputy Town Clerk



**Statement of Consistency**

**ZT-2024-007**

The requested rezoning from RD to B-2 classification for the property at 4507 NC 55, Erwin NC 28339 is compatible with all of the Town of Erwin's regulatory documents. According to Erwin's 2023 Land Use Plan and Erwin's Code of Ordinances, the uses defined within the B-2 zoning classification would best serve the above-stated parcel.

It is recommended that this rezoning request be **Approved**.



Randy Baker  
Mayor



Katelan Blount  
Deputy Town Clerk



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

Mayor  
Randy L. Baker  
Mayor Pro Tem  
Ricky W. Blackmon  
Commissioners  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

## ORDINANCE FOR MAP AMENDMENT CASE # ZT-2024-007 AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE FROM RD TO B2 PER ZONING ORDINANCE ARTICLE XXIII FOR HARNETT COUNTY PIN 0598-92-2261.000. ORD 2024-2025: 019

Per Chapter 36 Zoning, Article XXIII, Changes and Amendments, Harnett County PIN 0598-92-2261.000 owned by Steve Wilford Murphy and Dayna Bayles Murphy have been rezoned to B2 (Highway Business), Case # ZT-2024-007.

HARNETT COUNTY TAX ID#

070598 0150  
8-207 BY 1117

2807814047  
FOR REGISTRATION REGISTER OF DEEDS  
HARNETT COUNTY, NC  
2007 AUG 02 04:13:10 PM  
BK: 2408 PG: 828-830 FEE: \$17.00  
INSTRUMENT # 2007014047

Excise Tax NO REVENUE

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 070598 0150 Verified by \_\_\_\_\_  
County on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_  
by \_\_\_\_\_

Mailed after recording to: Billy R. Godwin, Jr., 406 W. Broad St., Dunn, NC 28334  
This instrument was prepared by: Billy R. Godwin, Jr.

Brief Description for the Index 3.74 ACRES NO TITLE SEARCH PERFORMED

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made August 1, 2007, by and between

GRANTOR	GRANTEE
Jerry Ray Bayles, Sr. and wife, Faye P. Bayles  P.O. Box 343 Erwin, NC 28339	Dayna Bayles Murphy and husband, Steve Wilford Murphy  3508 Lela Ct. Raleigh, NC 27606

Enter a description block for each party, name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Harnett County, North Carolina and more particularly described as follows:

Being all of a 3.47 acre tract as shown on map entitled "Property of: Johnnie D. Avery and wife, Mattie J. Avery", prepared by Piedmont Surveying dated March 17, 1993, recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

The consideration for this deed is the grantors' love and affection for their daughter and son-in-law.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1423 , Page 27.  
A map showing the above described property is recorded in Plat Cabinet F, Slide 149-C, Harnett County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. Easement, roadways and rights of way of record, including general utility easements.
2. Easements visible by an inspection of the premises.
3. Any outstanding deed of trust on the property conveyed herein.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_  
(Corporate Name)

By: \_\_\_\_\_

  
Jerry R. Bayles, Sr. (SEAL)

  
Faye P. Bayles (SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

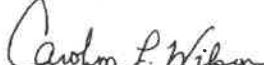
SEAL-STAMP

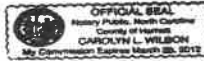
HARNETT COUNTY  
STATE OF NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: Jerry R. Bayles, Sr. and Faye P. Bayles

This the 2<sup>nd</sup> day of August, 2007.

My Commission Expires: 3/26/2012

  
Carolyn L. Wilson, Notary Public





KIMBERLY S. HARGROVE  
REGISTER OF DEEDS, HARNETT  
305 W CORNELIUS HARNETT BLVD  
SUITE 200  
LILLINGTON, NC 27546

.....  
Filed For Registration: 08/02/2007 04:13:10 PM  
Book: RE 2408 Page: 828-830  
Document No.: 2007014047  
DEED 3 PGS \$17.00  
Recorder: JUDITH HAMILTON

State of North Carolina, County of Harnett

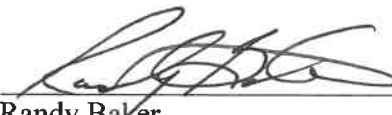
KIMBERLY S. HARGROVE , REGISTER OF DEEDS

**DO NOT DISCARD**


**\*2007014047\***

2007014047

Adopted this the 2<sup>nd</sup> day of January 2025.

  
\_\_\_\_\_  
Randy Baker  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Katelan Blount  
Deputy Town Clerk

## MINUTES CONTINUED FROM JANUARY 2, 2025

Ms. Stokes stated no, if anything, it may have kind of put everybody in a position to do better because this would meet all of the ordinances, it will have the landscaping, the trees, the shrubs, the fence, it will have the whole look. Everyone else might have to step it up.

Mayor Baker asked if Ms. Stokes felt that the proposed development would affect any adjoining property values.

Ms. Stokes stated no, if anything they will have to do better like mow their lawns and be more responsible about property they should be responsible with anyway.

Mayor Baker asked if the Board had any questions for Ms. Stokes.

Commissioner Blackmon stated in their request it stated that she would be putting in a modular unit. A modular unit, not a manufactured home?

Ms. Stokes answered yes, manufactured homes were not allowed. She had learned so much.

Commissioner Blackmon stated that's correct so he just wanted to make sure.

Ms. Stokes stated she and Town Planner Dylan Eure had worked for months. So many phone calls, so many voicemails and then they added in Harnett Regional Water. Then she played phone tag with Harnett Regional Water and added in engineering and Mr. Eure was playing tag on emails. We learned a lot together.

Mayor Baker stated he was glad the applicant had a pleasant experience with Town Planner Dylan Eure in this process.

Ms. Stokes stated her background was in education. She worked with autistic children and she liked to learn things. Especially things she was interested in and real estate was one of those things.

Commissioner McKoy stated he had never met Ms. Stokes. He knew some of her family members. He liked what she said about if this request was approved, it may make people clean their yards.

Ms. Stokes stated that was what this was for. She was going to change the perspective and prove it could be changed. With most people, since she has been home from college in Greenville for four years due to COVID-19, what she had come to realize was something a lot of people have in common here was their lack of faith. If you have a lack of faith then you will have a lack of follow through. She believed in her skills, was very capable, and had a college degree to prove it. She had a minor in business just because she liked to learn about things she found interesting. Anybody could pursue their interests.

Commissioner Turnage stated he had a gentleman come to his house on Christmas Eve complaining about them not picking up trash down at his house. He got ahold of Public Works Director Mark Byrd and he appreciated Mr. Byrd going out there so the man was satisfied.

Mayor Baker asked if anyone was present to speak in favor of, opposition to, or ask a question about the request.

No one came forward.

Commissioner Nelson made a motion to close the Public Hearing and was seconded by Commissioner McKoy. **The Board voted unanimously.**

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner Blackmon, and unanimously approved by the Board that the requested use is listed among the special uses in

## MINUTES CONTINUED FROM JANUARY 2, 2025

the district for which the application is made. Reasoning that two-family developments are listed as special use in the R-6 district.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the requested use is essential or desirable to the public convenience or welfare. Reasoning that approving this request would increase the amount variety of homes within Erwin's corporate limits.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Reasoning that there is a tract of land just west of the proposed parcel where a duplex is being built.

Commissioner Nelson made a motion in the affirmative, seconded by Commissioner Byrd, and unanimously approved by the Board that the requested use will be in conformity with the Land Development Plan. Reasoning that according to Erwin's 2023 Land Use Plan allowing for a greater variety of residential uses in dense zoning classifications is desirable as well as the proposed landscaping plan also meets Erwin's requirements for buffering and screening for varying residential styles.

Commissioner Blackmon made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Reasoning that the site does have access to Harnett County water and does have the ability to connect to Harnett County sewer through the connection of a private line and force pump.

Commissioner Byrd made a motion in the affirmative, seconded by Commissioner McKoy, and unanimously approved by the Board that adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. Reasoning that according to the applicant's site plan, there will be two driveways in order to provide adequate parking for the duplex which will allow inhabitants easier access to get on and off the property.

Commissioner McKoy made a motion in the affirmative, seconded by Commissioner Nelson, and unanimously approved by the Board that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except such regulations may, in each instance, be modified by the Board of Commissioners. Reasoning that everything is in agreement with Erwin's Zoning Ordinances at its current state upon submittal.

Commissioner Byrd made a motion seconded by Commissioner Nelson, and unanimously approved by the Board that according to Erwin's 2023 Land Use Plan and the Code of Ordinances the proposed two-family dwelling located off W N St. by its Tax Pin 0597-66-3942 is desirable and has met all of the requirements for the special use to be granted, including landscaping, setbacks, and parking. It is recommended that this rezoning request be **Approved**.



# TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339  
Ph: 910-897-5140 • Fax: 910-897-5543  
www.erwin-nc.org

**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

1/02/2025

## **SU-2024-002** **Memorandum**

### **Special Use Description**

The Town of Erwin has received a special land use application for Harnett County Tax Pin #0597-66-3942. Whitey Stokes has submitted a special use petition to build a two-family home. Said two family home would be a modular home totaling 2,027 square feet with 3 bedrooms and 2 baths per unit. For a total of 6 bedrooms and 4 baths for the entire complex.

### **Property Description**

The parcel is .22 acres or approximately 9,100 square feet with 100ft of road frontage/width along W N St. and no existing structures on the lot. The only zoning classification on the property is R-6, in which two-family homes are a special use as long as the property has a minimum of 8,000 square feet and has a parcel width of 75 feet, which parcel meets. In terms of utilities, Harnett Regional water lines are accessible to the property, and the sewer can be connected off N 14<sup>th</sup> off of a private line with a forced pump installed in Erwin's Right-of-Way at the property owner's cost. Any maintenance to the installed private line will be the responsibility of the property owner.

### **Facts**

Before the home could be built it would be the responsibility of the applicant to have the private sewer line constructed along with the force pump to the property to ensure that the property would be able to connect to the sewer. That said, there is adequate water that is already accessible to the property. Other important information to relating to the request is that there are already other duplexes in the area including one that is being constructed two lots to the west of the property. The site plan that the applicant has submitted also complies with all of Erwin's regulatory documents and is considered desirable per the Erwin 2023 Land Use Plan.

Regards,

Dylan Eure  
Town Planner



# TOWN OF ERWIN

100 West F St., Post Office Box 459  
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## SPECIAL USE PERMIT APPLICATION

### In the Matter Of the Request to the Erwin Board of Commissioners

Applicant Name	Whitney Stokes	Property Owner Name	Barbara Johnson
Mailing Address	610 N 13th St.	Mailing Address	P.O. Box 368
City, State, Zip	Erwin NC 28339	City, State, Zip	Erwin NC 28339
Telephone	(910) 703 9958	Telephone	(910) 242 2016
Email	wh.stokes5@aol.com	Email	barbarjohn4@outlook.com

Address of Subject Property	Undeveloped Parcel		
Parcel Identification Number(s) (PIN) of Subject Property	0597 - 66 - 3942 .000		
Legal Relationship of Applicant to Owner	Daughter	Floodplain SFHA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Legal Description: Lot PAR#C Block West N St. Subdivision	NA		
Zoning District	R6	Wetlands	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Watershed Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Public Water Available:	Y or N	Public Sewer Available:	Y or N
Existing Septic Tank:	Y or N		
Number of Buildings to Remain	NA	Gross Floor Area to Remain	NA
Describe Proposed Project or Request with Conditions proposed by applicant: Construction and development of Parcel, PIN: 0597-66-3942. The project consists of a 76'-0" x 26'-8" Duplex. Both sides of duplex consist of 3bd, 2ba, totaling 2,027 Sq. Ft. The development features, ordinance compliant, front porches, parking, and landscaping.			
Total Acreage or Square Footage to be Disturbed	.21 ACRE.		
Estimated Cost of Project \$	\$398,379.		

Attach a scaled illustrative plot or site plan showing all lot dimensions, buildings, structures, driveways, parking spaces, and distances between structures and property lines.

Provide complete mailing addresses for each adjacent property owners (also property within 100 feet) and/or property owners directly across a street, if any. Names and addresses must be from current Harnett County tax listings.

<b>Office Use Only</b>	
Date Application Submitted <u>11/29</u>	Application Fee \$ <u>350</u> Received By <u>KJB</u>
Case # SU-20 <u>24-002</u>	

# PAID

NOV 25 2024

Cash

## TOWN OF ERWIN





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### **Special Use Signature Page**

It is understood by the undersigned that the development and execution of the Special Use Permit is based upon the division of the Town into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. It is recognized, however, that there are certain uses which, because of their characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. Such special uses fall into two categories.

1. Uses publicly operated or traditionally affected with a public interest
2. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Ordinance as originally adopted and as subsequently amended is presumed by the Town to be appropriate to the property involved and that the burden of proof for a Special Use approval rests with the applicant. Applicant is encouraged to discuss the proposed use with affected property owners.

It is further understood that prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in 9- 411.5 of the Town Code. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
- Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
- Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")

**Compliance with Other Codes:** Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

SU- 2024-002

Signature Page

Page 1 of 2

**Revocation:** In any case where the conditions of the Special Use Permit have not been or are not being complied with, the Building Inspector shall give the permitted notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

**Expiration:** In any case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development, or completion (sewer, drainage, etc.). When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set for in the permit.

**Duration:** Duration of a special use and any conditions attached shall be perpetually binding to the property unless it is expressly limited.

Applicant Signature and Date:

 11/25/24



## TOWN OF ERWIN

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### SPECIAL USE APPLICATION PROCEDURES

1. Completed application for the Special Use Permit, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Official. Applications must be submitted by the first Friday of the month prior to the following Town Board.
2. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. Pay the Special Use Permit Fee as established by the Board of Commissioners and found in the Schedule of Fees in the Office of the Town Clerk. Current fee is \$300.

#### Conditions and Guarantees

Prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified by ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- Such conditions may include a time limitation;
  - Conditions may be imposed which require that one or more things be done before the use requested can be initiated. (For example, "that a solid board fence be erected around the site to a height of 6 feet before the use requested is initiated");
  - Conditions of a continuing nature may be imposed. (For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 a.m.")
1. Administrative official posts property at least one (1) week prior to public hearing
  2. Newspaper advertisement once (1) each week for two (2) successive weeks prior to the public hearing
  3. The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing.

**Action by the Board of Commissioners**

In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the special uses in the district for which application is made
2. The requested use is essential or desirable to the public convenience or welfare
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare
4. The requested use will be in conformity with the Land Development Plan
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.



# TOWN OF ERWIN

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## SPECIAL USE APPLICATION Record of Adjacent Property Owners With Mailing Addresses Per Harnett County Land Records

Property Owner (1)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (2)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (3)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (4)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (5)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (6)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (7)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (8)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (9)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (10)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (11)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (12)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____
Property Owner (13)	_____	Mailing
Address	_____	City _____ ST _____ Zip _____

**Town of Erwin Planning Board  
Special Use Guidelines for Findings of Fact**

1. The use requested is listed among the special uses in the district for which application is made:

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

2. The requested use is essential or desirable to the public convenience or welfare

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

4. The requested use will be in conformity with the Land Development Plan

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board

   Yes    No \_\_\_\_\_  
\_\_\_\_\_

## Harnett Regional Water Proof of permission verification of sewer line

\* Permissions and liabilities pertaining to parcel number: 0597-66-3942,  
on West N St.

RE: Sewer at 0597-66-3942

Mobile Flex ★



Katherine E. Moore

From: kemoore@harnett.org

To: Whitney Stokes

Cc: Kenneth Keel, Brandy Champion, Nicholas Everette, Dylan Eure



Thu Sep 7 at 8:28 AM ★

Yes putting the sewer tap and clean out at the corner of North 14<sup>th</sup> and West N Street will work. A sewer tap and clean out can be placed at the corner of North 14<sup>th</sup> and West N Streets, then you will have to install a pump system and require a plumber to install a force main in the Town of Erwin right-of-way over to the cleanout/sewer tap.

Please understand HRW will **NOT** service or maintain any part from the cleanout to the home that includes the pump system being installed and force main. The maintenance and service will be on the homeowner

HRW will only maintain from the Cleanout to the sewer tap and HRW Infrastructure.

If you have any further questions please let us know.

Thanks

2024-09

**Proof of permission verification of Land Development**

\* Permissions of construction and development of unprocessed parcel, PIN: 0597-66-3942

Good day all,

To whom it may be pertinent, I Barbara J. Johnson do here by grant access, and give Authority to Whitney H. Stokes for the construction and development of my empty lot, PIN: 0597-66-3942, on West N St., Erwin, NC 28339.

The parcel in question will be developed to house a 3br, 2ba, Modular duplex, presented and set up by Modern Housing, modular & manufactured of Goldsboro, NC. This development project will meet all the Town of Erwin's bylaws and ordinance.

\*If you have any questions about the project, please do not hesitate to contact Whitney @ (910) 703-9958.

\*If you have questions about the parcel, please reach out to Barbara @ (910) 242-2016

We look forward to this growth for both ourselves and the Town of Erwin as we partake on this endeavor.

Thank you for your time and energy,


With warm regard,

Barbara J. Johnson

P.O. Box 368

Erwin NC, 28339

Print Name: Barbara Johnson Date: 11/24/24

Signature:  Date: 11/24/24

2024-002









## TOWN OF ERWIN

100 West F St., Post Office Box 459  
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(910) 897-5140 V (910) 897-5543 F  
www.erwin-nc.org

### IMPORTANT

This is a complete Special Use Application package consisting of 10 pages. For this application to be accepted, it must be completed and returned with all required documents and entries.

Do be aware that under certain conditions the applicant may be required to obtain a Driveway Permit from the NC Department of Transportation prior to Special Use Permit approval.

#### Using the Zoning Ordinance

- Go to the applicable zoning district in Article 3. That section will serve as a guide to begin the development of your site plan. This section will also direct you to pertinent requirements such as: parking, sign, lighting, and other general provision such as streetscape requirements and other general development regulations that may apply to the proposed development.
- Be sure to read Article 11 – Special Uses.
- Complete the Special Use Permit Application, the Special Use Signature page, and the Record of Adjacent Property Owners sheet; and include other required information with the application. Use additional pages if necessary. Adjacent property owners' names must be from current Harnett County tax listing; so this requires that the applicant contact Harnett County. Addresses of the adjacent property owners must be complete which includes name, mailing address, and zip code.
- The submitted site plan must be drawn to scale and include all dimensions and required provision. Of these dimensions and other requirements, be sure to include the following:
  - Existing structures on the proposed lot, their dimensions and distances between on another and the lot's property lines
  - Proposed structures including their dimensions and distances from other structures on the lot and proposed distances from property lines (i.e. setbacks)
  - All easements and rights-of-way located on the proposed lot
  - All natural features including tree lines, drainage ways, etc.
  - The location and dimensions of required parking area(s) as may be required by Ordinance
  - Proposed lighting plans as may be required by Ordinance
  - Demonstration of the placement of buffers and streetscape as may be required by ordinance



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### Processing Requirements

Special Uses are not Uses by Right. It is the responsibility of the applicant to demonstrate that the requested use will meet the minimum requirements set forth in the Erwin Zoning Ordinance. The Board's decision will be greatly influenced by the completeness and neatness of the submitted application.

A requested and very necessary tool is the site plan. Its importance cannot be overstated. Applicant is encouraged to portray in detail and to accurately scale the property boundaries, improvements, and any natural features. In some cases, approval or denial may depend on the quality of the Site Plan.

If the proposed use involves business operations, description of the anticipated activity needs to be sufficiently disclosed. This will assist the Board in determining the Town's infrastructure capability, the public health and safety considerations such as traffic and noise, and how neighboring property may be affected.

All uses require dedicated parking spaces and some may require lighting, buffering, fences, landscaping, and other elements. It is suggested that the applicant spend some time reading the Town's Zoning Ordinance prior to application. Copies of the Zoning Ordinance may be purchased at Town Hall. Copies are available in the Erwin Library and Town Hall for review. An electronic copy of the Ordinance can be found on the Town website as well at [www.erwin-nc.org](http://www.erwin-nc.org).

A complete application consists of all documents included in the application package and any required maps, site plan, and/or related documents. These documents become the property of the Town. It is the applicant's responsibility to submit 10 copies of this completed application. Each member of the Governing Board receives a copy including the Town Manager, Town Clerk, Town Attorney, and Code Enforcement Officer.

The completed application and fees must be submitted no later than the first Friday of the month to be placed on following month's Town Board Agenda.

**Town of Erwin  
Record and Decisions**

**Office Use Only**

Notice Mailed 12/13      Property Posted 12/13      Newspaper Advertised Date \_\_\_\_\_

**Public Hearing Date and Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<u>Governing Body Motion</u>	Record of Decision:	Yea	Nay
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
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**Town Board Decision and Date** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Certified By:** \_\_\_\_\_





# SPECIAL USE REQUEST STAFF REPORT

Case: SU-2024-002

Dylan Eure, Town Planner

deure@erwin-nc.org

Phone: (910) 591-4201

Fax: (910) 897-5543

Public Hearing Date: Thursday, January 2nd, 2024

Request for special permitted use to construct a two-family dwelling on a vacant parcel located by its Harnett County Tax # 0597-66-3942.

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## Applicant Information

### Owner of Record:

Name: Barbara Johnson

Address: PO box 368

City/State/Zip: Erwin, NC 28339

### Applicant:

Name: Whitney Stokes

Address: 610 N 13<sup>th</sup> St

City/State/Zip: Erwin, NC 28339

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## Property Description

Address of Property: West N St. Erwin, NC  
Harnett County Tax PIN: 0597-66-3942.000

Acres: .22

Size: 9,100 Square Feet

Width/ Frontage: 100 feet

Zoning District: R-6

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## Vicinity Map

- See Attached Document

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## Physical Characteristics

Site Description: The parcel is .22 acres or approximately 9,100 square feet with 100ft of road frontage/width along W N St. and no existing structures on the lot. The only zoning classification on the property is R-6, in which two-family homes are a special use as long as the property has a minimum of 8,000 square feet and has a parcel width of 75 feet, which parcel meets. In terms of utilities, Harnett Regional water lines are accessible to the property, and the sewer can be connected off N 14<sup>th</sup> off of a private line with a forced pump installed in Erwin's Right-of-Way at the property owner's cost. Any maintenance to the installed private line will be the responsibility of the property owner.

Surrounding Land Uses: To the northeast of the property, there is B-2 zoning classification that contains CFS Truck and Diesel. To the North West, there are single-family homes primarily zoned as R-6. To the west of the property, there is another two-family dwelling being built zoned as R-6. To the south, there are primarily R-6 zoning classifications comprised of single-family dwellings. To the west of the property, there is R-6 along N 13<sup>th</sup> with single-family homes and B-2 to the far east along Price St. and US 421 comprised of car/storage shed sales.

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## Services Available

- Electricity (Duke Energy)
  - Harnett Regional Water and Sewer
  - Duke Energy for Electric
  - Bright speed for telephone
  - Erwin Fire and Rescue
  - Erwin Police
- 
- 

## Zoning District Compatibility

Special Use	R-6
Two-family dwellings	X

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## Staff Evaluation

### Staff Evaluation

Yes  No The use requested is listed among the special uses in the district for which the application is made.

- Reasoning:

Yes  No The requested use is essential or desirable to the public convenience or welfare.

- Reasoning:

Yes  No The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare.

- Reasoning:

Yes  No The requested use will be in conformity with the Land Development Plan.

- Reasoning:

Yes  No Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

- Reasoning:

Yes  No That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- Reasoning:

Yes  No

That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners.

- Reasoning:

## Statement of Consistency

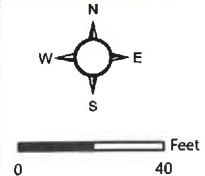
### Attachments:

- SU-2024-002 Application
- SU-2024-002 Staff Memo
- SU-2024-002 Site Plan
- SU-2024-002 Harnett County GIS Image with Zoning
- SU-2024-002 Harnett County GIS Image with no Zoning
- SU-2024-002 property owners lables
- SU-2024-002 Letters





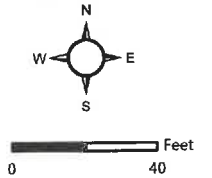
Flood Map Index	2 - 5	Parcels
County Boundary	6 - 36	Watershed HUC8
City Limits	Gravity	Watershed HUC12
Address Numbers	Road Centerlines	





Harnett.org/GIS  
November 26, 2024

Flood Map Index	2 - 5	Parcels	R6
County Boundary	6 - 36	Watershed HUC8	ETJ
City Limits	Gravity	Watershed HUC12	
Address Numbers	Road Centerlines	B2	



**JOHNSON BARBARA JEAN**  
po box 368 erwin, NC 28339-0000

**JOHNSON JENNIFER D**  
610 N 13TH ST ERWIN, NC 28339-1308

**JOHNSON MICHAEL A**  
5300 HARVEST HILL DRIVE HARRISBURG, NC 28075-0000

**SMITH CRAIG & SMITH JODI**  
720 N 14TH ST ERWIN, NC 28339

**BHR PROPERTIES LLC**  
111 COMMERCE DR DUNN, NC 28334

**RATLIFF MARY L & c/o CORNELIA MCKOY**  
6748 LAKEVIEW RD MEBANE, NC 27302-8566

**WEST M STREET CHURCH & c/o DOROTHY J CHANCE**  
116 SAWYERS CIR APT C DUNN, NC 28334-5555

**SMITH MICHAEL & SMITH CHESTER**  
324 KEY WEST MEWS CARY, NC 27513-0000

**MCNEILL LOSSIE M**  
110 W N ST ERWIN, NC 28339-1315

**HOWELL CHRISTOPHER S**  
146 LAKE SHORE DR BENSON, NC 27504-6898

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# TOWN OF ERWIN

P.O. Box 459 · Erwin, NC 28339  
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**Mayor**  
Randy L. Baker  
**Mayor Pro Tem**  
Ricky W. Blackmon  
**Commissioners**  
Alvester L. McKoy  
Timothy D. Marbell  
Charles L. Byrd  
David L. Nelson  
William R. Turnage

12/13/2024

## Notice of a Public Hearing SU-2024-002

The Board of Commissioners of the Town of Erwin will hold a public hearing pursuant to NC General Statute 160D-406 on January 2nd, 2025 at 7:00 P.M. at the Erwin Town Hall, 100 West F Street, Erwin, North Carolina to hear public comment regarding the approval of a special use permit to allow for the placement of a two-family dwelling (duplex).

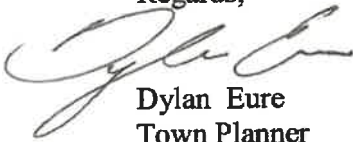
There has been a special land use application submitted to the Town. The request includes a single parcel of land that is listed below:

- Harnett County Tax Pin: 0597-66-3942.000

The applicant has requested to construct a two-family dwelling unit on this site.

A copy of this case is available for review at the Erwin Town Hall. Questions concerning this case can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org)

Regards,



Dylan Eure  
Town Planner

## NOTICE OF PUBLIC HEARING

The Town of Erwin Board of Commissioners will conduct a Public Hearing on the following item pursuant to NC General Statute 160D-406, on Thursday, January 2, 2025, at 7:00 P.M. in the Erwin Municipal Building Board Room located at 100 West F Street, Erwin, NC 28339. Questions can be addressed to the Town Planner Dylan Eure at 910-591-4201 or by email at [deure@erwin-nc.org](mailto:deure@erwin-nc.org).

- Case ZT-2024-007: Request to have the parcel located at 4507 NC 55 East rezoned from RD to B-2. The property can also be identified by its Harnett County Tax PIN # 0598-92-2261.000.
- Case SU-2024-002: Special Use Permit Application to build a two-family dwelling on a vacant parcel located along West N Street. The property can also be identified by its Harnett County Tax PIN # 0597-66-3942.000.

These cases are available for review at the Erwin Town Hall. All persons desiring to be heard either for or against the proposed items set forth above are requested to be present at the above-mentioned time and place.  
12/13,20/2024

## Statement of Consistency

**SU-2024-002**

According to Erwin's 2023 Land Use Plan and the Code of Ordinances the proposed two-family dwelling located off W N St. by its Tax Pin 0597-66-3942 is desirable and has met all of the requirements for the special use to be granted, including landscaping, setbacks, and parking.

It is recommended that this rezoning request be **Approved**.



Randy Baker  
Mayor



Katelan Blount  
Deputy Town Clerk

MINUTES CONTINUED FROM JANUARY 2, 2025

PUBLIC COMMENT

No one was present to speak for Public Comment. Everyone who signed up to speak had already left the room.

MANAGER'S REPORT

Town Manager Snow Bowden provided the Board with a detailed report at their seats. He stated if they had any questions to give him a call.

*The Manager's Report is part of these minutes as an attachment.*

ATTORNEY'S REPORT

Town Attorney Tim Morris thanked the Board for allowing him to be their Town Attorney. He provided a job well done to the Town Board in making difficult decisions.

ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 8:41 P.M. and was seconded by Commissioner Byrd. **The Board voted unanimously.**

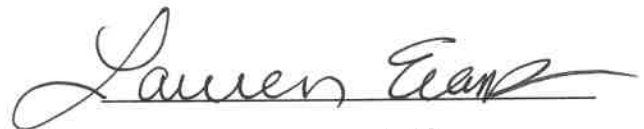
**MINUTES RECORDED AND TYPED BY  
LAUREN EVANS TOWN CLERK**



**Randy Baker**

**Mayor**

**ATTEST:**



**Lauren Evans, NCCMC**

**Town Clerk**

PLEASE SIGN IN IF YOU PLAN TO SPEAK TONIGHT:

NAME & ADDRESS:

1. Thomas Neville attorney for Applicant
2. Greg Stewart
3. Matt Lowder
- ✓ Kenneth Coley 26 Ivor Lane Erwin
- ✓ Shawn Hayes 915 Maynard Lake Rd
- ✓ Daniel Lane 4667 NCHWY ST E
7. Crystal Juebrich 915 Maynard Lake Rd.
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_





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Charles L. Byrd  
David L. Nelson  
William R. Turnage

Memo to: Mayor and Board of Commissioners

From: Snow Bowden, Town Manager

Subject: December Managers Report

Date: January 2025 Report

- We have run into some issues with getting the electricity disconnected at 601 Lucas Road. This is the structure that we approved a ordinance to have demolished and we awarded a bid to have the structure demolished. The Harnett County Building Chief Building Inspector Brad Sutton is trying to help us work with Duke Energy to get the power disconnected without having to go through the condemnation process since we have already gone through the minimum housing process. This has been a learning lesson for Town Staff. Going forward, it would be best to just start the condemnation process. We are going to have to see if Harnett County would be willing to help us with this need.
  - We are still working on this issue. The holidays slowed things down.
- At our January workshop we will discuss the proposed CORE plan, the stormwater management plan grant, roads to resurface in 2025 and some other items we need to wrap up.
  - At our January workshop I would like for us to go ahead and pick a date for our budget retreat.
- We have our final round of interviews tomorrow for the pay study. Hopefully, we will have the data we need back by the end of January. I think it will be here before then.
- We should be kicking off the bike/pedestrian plan this month or in February.
- I will be passing out budget worksheets to our department heads next Tuesday. They will be due to me by February 28<sup>th</sup>.